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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 JOCELYNE R. UY, an individual; and
WESTLEY U. VILLANUEVA, an individual,

13 Plaintiffs,

14 v.

15 SANDY VAN, an individual; NGAN VAN LE,
an individual; SANDY VAN, LLC dba VAN
16 LAW FIRM, a Nevada Domestic Limited-
Liability Company; VAN AND ASSOCIATES
17 LAW FIRM, PLLC, a Nevada Professional
Limited Liability Company; JML HOLDINGS,
18 LLC, a Nevada Domestic Limited-Liability
Company; NGAN VAN LE as Trustee for the
19 AD VITAM AUT CULPAM TRUST; JML
SURGICAL CENTER, LLC, a Nevada
20 Domestic Limited-Liability Company; DOES I
through X; and ROE CORPORATIONS I
21 through X, inclusive,

22 Defendants.

Case No. 2:24-cv-00599-JCM-DJA

**STIPULATION FOR ENLARGEMENT OF
TIME TO RESPOND TO FIRST
AMENDED COMPLAINT AND ORDER
(Second Request)**

23 Defendants, Sandy Van, Sandy Van, LLC dba Van Law Firm, Van and Associates Law
24 Firm, PLLC (the “Sandy Van Defendants”), Ngan Van Le, JML Holdings, LLC, Ad Vitam Aut
25 Culpam Trust, and JML Surgical Center, LLC (the “Van Le Defendants”) (collectively
26 “Defendants”), by and through their respective counsel of record, and Plaintiffs, Jocelyne R. Uy and
27 Westley U. Villanueva (collectively “Plaintiffs”), by and through their counsel of record, hereby
28 stipulate and agree as follows:

1 This is the second stipulation to extend the time for Defendants to respond to Plaintiffs' First
2 Amended Complaint. A previous stipulation was submitted on April 4, 2024 [ECF No. 4], and was
3 denied without prejudice [ECF No. 5].

4 Following the notice of removal filed by the Sandy Van Defendants, all Defendants had until
5 April 3, 2024, to respond to Plaintiffs' First Amended Complaint. *See* Fed. R. Civ. P. 81(c)(2)(C).
6 On April 2, 2024, as a matter of professional courtesy, Plaintiffs granted Defendants up to and
7 including April 17, 2024 to respond to their First Amended Complaint.

8 Good cause exists to extend the deadline for Defendants to respond to the First Amended
9 Complaint. Prior to removal to this Court, the deadline for the Sandy Van Defendants to respond
10 to the First Amended Complaint did not coincide with the Van Le Defendants' deadline. The best
11 interests of the parties were served, and judicial economy was improved, by having all Defendants
12 respond to the First Amended Complaint on the same day. Furthermore, removal shortened the time
13 for the Van Le Defendants relative to their deadline prior to removal. Lastly, counsel for Defendants
14 has conflicting time-sensitive firm deadlines in other matters, such as responding to written
15 discovery and preparing supplemental disclosures, reviewing and responding to other complaints,
16 and working on and responding to summary judgment motions. The granting of additional time
17 helps counsel for Defendants better manage and prioritize their respective caseloads. Although
18 Defendants' counsel have been diligent in evaluating Plaintiffs' First Amended Complaint, given
19 the numerous causes of action asserted by Plaintiffs, including acts of alleged racketeering,
20 additional time is needed for Defendants to fairly and adequately respond to the First Amended
21 Complaint.

22 Excusable neglect also exists to permit the extension sought through this Stipulation even
23 though it is requested after the deadline to respond to the First Amended Complaint has expired. As
24 noted above, prior to expiration of the deadline, the parties submitted a stipulation extending the
25 deadline. Due to oversight, counsel for Defendants failed to set forth the reasons (as noted herein)
26 for the request for additional time to respond to the First Amended Complaint. The factors that
27 courts consider in deciding whether neglect is excusable are thus met: (i) Plaintiffs, who have
28 approved the extension, will not suffer prejudice if this request is granted: (ii) the delay in

1 responding to the First Amended Complaint is minimal (e.g., Defendants will respond to the First
2 Amended Complaint within three weeks of removal); (iii) Defendants did not delay in seeking the
3 extension prior to the initial deadline; and (iv) Defendants have acted in good faith.

4 Counsel certifies that this request is made in good faith and not for the purposes of delay and
5 request that it be granted by the Court.

6 DATED this day of 5th day of April, 2024

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8 **WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP**

9
10 BY: /s/ Nicholas F. Adams

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18 *Sandy Van, Sandy Van, LLC dba Van Law*

19 *Firm, and Van and Associates Law Firm,*
20 *PLLC*

21 DATED this day of 5th day of April, 2024

22
23 **JEPSEN LAW, PLLC and ADLER &
VILLANUEVA, LLC**

24 BY: /s/ Kendra Jepsen

25 Kendra Jepsen, Esq.

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Attorneys for Plaintiffs Jocelyn R. Uy and

Westley U. Villanueva

1 DATED this day of 5th day of April, 2024

2
3 **BAILEY KENNEDY, LLP**

4 BY: /s/ Joshua P. Gilmore

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7 *Attorneys for Defendants*

8 *Ngan Van Le, JML Holdings, LLC, Ad Vitam*

Aut Culpam Trust, and JML Surgical Center,
9 *LLC*

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13 **ORDER**

14 **IT IS SO ORDERED.**

15 DATED this 9th day of April, 2024.

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19 UNITED STATES MAGISTRATE JUDGE